

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JERMAIN MARVIN ALEXANDER,

Movant,

v.

Case No. 1:09-CV-889
(Criminal Case No. 1:06:CR:312)

UNITED STATES OF AMERICA,

HON. GORDON J. QUIST

Respondent.

ORDER DENYING FREE TRANSCRIPT

The court has received Movant, Jermain Alexander's, Motion for (Sentencing) Transcript "pursuant to Rule 15(c) of Federal Civil Judicial Procedure." The need of the transcript is "to supplement pending 2255 motion to better show this court as an exhibit to decide the issue's, [sic] to better show the case is not frivolous." Further, "Movant hopes his request to better show this court for his relief will be granted."

This court notes that a transcript of the sentencing hearing has already been furnished to movant. Movant's sentences were affirmed by the Sixth Circuit on October 10, 2008. *United States v. Alexander*, 543 F.3d 819 (6th Cir. 2008). The Supreme Court denied certiorari on May 8, 2009.

A movant in a § 2255 matter has no right to a free transcript. *Dorsey v. United States*, 333 F.2d 1015 (6th Cir. 1964). Fees for transcripts furnished in proceedings brought under § 2255 will be paid by the United States only if "the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal." 28 U.S.C. § 753(f).

This court cannot in good conscience certify that any suit by this Movant is not frivolous and that (another) transcript is needed to decide the issue.

Therefore, the Motion For Transcript (docket no. 7) is **DENIED**.

Dated: December 2, 2009

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE